

SUF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Def 1) Teodoro MAGADAN-Pineda,

Def 2) Emilio GONZALEZ-Rodriguez
Defendant(s)

08 JAN 25 PM 1:58

Magistrate Case No.

'08 MJ 02 33

CLERK, U.S. DIST. COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:  COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Transportation of Illegal

Aliens

The undersigned complainant, being duly sworn, states:

On or about **January 23, 2008**, within the Southern District of California, defendants **Teodoro MAGADAN-Pineda** and **Emilio GONZALEZ-Rodriguez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Eucario ARANGO-Jarquin**, **Carlos RIOS-Jarquin**, and **Angel PACHECO-Juarez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

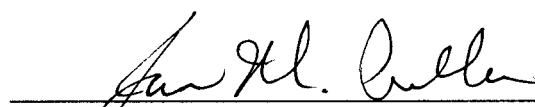


SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **JANUARY**, **2008**.



Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Teodoro MAGADAN-Pineda**Emilio GONZALEZ-Rodriguez****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Eucario ARANGO-Jarquin, Carlos RIOS-Jarquin, and Angel PACHECO-Juarez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 23, 2008, Border Patrol Agent B. Blanchard was conducting interdiction operations on Interstate 8 near the United States Border Patrol Interstate 8 Westbound Checkpoint near Pine Valley, California. Agent Blanchard was operating in plain clothes and was driving an unmarked agency vehicle.

At approximately 9:00 p.m., Agent Blanchard noticed a white over black Dodge Caravan traveling east on Interstate 8. Agent Blanchard noticed the vehicle pulled to the shoulder of the eastbound lanes and turned the lights off approximately one mile east of the Interstate 8/Highway 79 interchange. Agent Blanchard pulled off at the next exit at Pine Valley. Shortly after Agent Blanchard pulled off the Interstate at Pine Valley, the same white over black Dodge Caravan exited the Interstate at Pine Valley and reentered the Interstate going westbound. Agent Blanchard began to follow the same Dodge Caravan and noticed that the van had a bounce to it, indicative of an overloaded vehicle.

At approximately 9:15 p.m., Agent Blanchard initiated a vehicle stop on the van. The vehicle failed to yield. After a brief pursuit, the van went to a slow rolling stop in the lane three on Interstate 8 approximately two-hundred yards west of the Pine Valley Creek Bridge. When Agent Blanchard approached the passenger side of the van, he noticed that the van was heavily overloaded with people. Agent Blanchard identified himself as a United States Border Patrol Agent and questioned the individuals as to their citizenship. The twelve passengers including the defendant's later identified as **Emilio GONZALEZ-Rodriguez**, who was in the front passenger seat, and **Teodoro MAGADAN-Pineda**, who was the driver of the vehicle, all stated they were citizens and nationals of Mexico. All thirteen individuals claimed to not be in possession of proper immigration documentation that would enable them to enter or remain in the United States legally. All thirteen individuals were arrested and transported to the El Cajon Border Patrol Station in El Cajon, California for processing.

CONTINUATION OF COMPLAINT:

Teodoro MAGADAN-Pineda
Emilio GONZALEZ-Rodriguez

STATEMENT of DEFENDANT Teodoro MAGADAN-Pineda:

Defendant **Teodoro MAGADAN-Pineda** was advised of his rights per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant stated that he is a Mexican citizen but currently resides in Los Angeles, California. The defendant also stated that he does not have any immigration documents that would allow him to enter or remain in the United States legally. The defendant also admitted he was to be paid for smuggling.

MATERIAL WITNESS STATEMENTS:

Material witnesses, **Eucario ARANGO-Jarquin, Carlos RIOS-Jarquin and Angel PACHECO-Juarez** stated that they citizens and nationals of Mexico without any immigration documents that would allow them to be or remain in the United States legally. The material witnesses stated they were to pay a fee once they arrived to Los Angeles, California.

The material witnesses were shown a series of photographs and were able to identify photo #3 as defendant #1 **Teodoro MAGADAN-Pineda** as being the driver of the load vehicle and photo #5 as defendant #2, **Emilio GONZALEZ-Rodriguez** as being the foot guide who guided them to the load spot.